

6799-08001 TJA/JBC/JSS/nr
IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

MARION MISIAK and MARY BETH MISIAK,)
Plaintiffs,)
vs.)
MORRIS MATERIAL HANDLING, INC.,)
a Foreign Corporation d/b/a P&H CRANES,)
P&H CRANES, Individually and as a Division)
of MORRIS MATERIAL HANDLING, INC.,)
WHITING CORPORATION, a Foreign)
Corporation, HUBBELL INCORPORATED, a)
Foreign Corporation d/b/a GLEASON REEL)
CORP., and GLEASON REEL CORP., a Foreign)
Corporation a/k/a GRC INTERNATIONAL,)
Individually and as a Division of HUBBELL)
INCORPORATED,)
Defendants.)
)

) NO: 07 C 6330
)

) Judge Darrah
)

) Magistrate Judge Nolan
)

SUR-REPLY TO UNION TANK CAR'S MOTION TO DISQUALIFY

NOW COMES JOHNSON & BELL, LTD., as Counsel for Defendant, MORRIS MATERIAL HANDLING, INC., and by way of Sur-Reply to the Motion by Union Tank Car to Disqualify, states as follows:

In the Reply filed by Union Tank Car, Union Tank Car claims that Johnson & Bell, Ltd. handled worker's compensation claims for Union Tank Car, and attached as an exhibit one piece of correspondence and billing on a particular matter. This Sur-Reply is filed solely to point out that the matter was two decades ago, the billing on that matter shows that it was both opened, and closed, on the same bill, and was a file that was opened for a total of approximately six weeks. The bill shows a total of four (4) phone calls and one (1) letter from Union Tank Car. It appears that all that was done was a release for the next of kin in some kind of matter involving the death of someone, likely an employee.

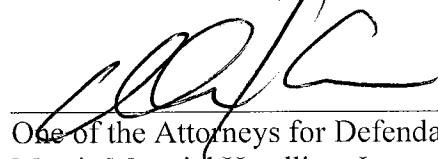
Johnson & Bell, Ltd. did search extensively, and looked for any matters in which it represented Union Tank that could be considered substantially similar to the pending litigation. It found none. Apparently, Union Tank Car also looked extensively, and found one matter that references research on Indiana Worker's Compensation Law, was handled 20 years ago, and was opened for a total of six weeks. That matter does not appear to be substantially related to any of the issues currently before this court.

CONCLUSION

Johnson & Bell, Ltd. again seeks that this Honorable Court deny the motion of Union Tank Car to disqualify.

Respectfully submitted,

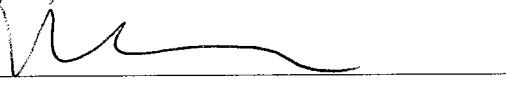
JOHNSON & BELL, LTD.


One of the Attorneys for Defendant,
Morris Material Handling, Inc.

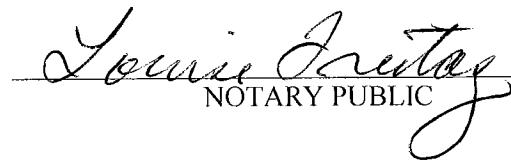
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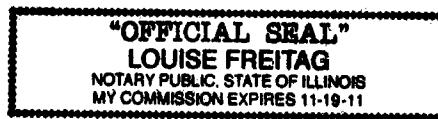
CERTIFICATE OF MAILING

The undersigned, first being duly sworn on oath, states that she has served the attached Sur-Reply to Union Tank Car's Motion to Disqualify on the attorneys of record in this cause by electronic mail and by depositing a copy of same in the U.S. Mail, properly addressed and with proper postage affixed thereto before 5:00 p.m. on May 20, 2008:

By: 

SUBSCRIBED and SWORN to before me this 20th day of May, 2008.


Louise Freitag
NOTARY PUBLIC



SERVICE LIST

Re: Marion and Mary Beth Misiak vs. Morris Material Handling, Inc., a Foreign Corporation d/b/a P&H Cranes, et al.

U.S. District Court, Northern Dist. of Illinois, Eastern Div.

Court No: 07 C 6330

Our File: 6799-08001

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